

# LIFSHITZ LAW FIRM, P.C.

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June 30, 2020

## VIA CM/ECF

Hon. J. Paul Oetken  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *Stourbridge Investments LLC v. Callen, et al.*, Case No. 1:18-cv-07638-JPO**

Dear Judge Oetken:

Lifshitz Law Firm, P.C. represents Plaintiff Stourbridge Investments LLC (“Plaintiff”) and Bryan Cave Leighton Paisner LLP represents Omega Healthcare Investors, Inc. (“Omega”) and Craig R. Callen, Kapila K. Anand, Craig M. Bernfield, Norman R. Bobins, Barbara B. Hill, Edward Lowenthal, Ben W. Perks, C. Taylor Pickett, Stephen D. Plavin, Robert O. Stephenson, and Daniel J. Booth (collectively, “Individual Defendants” and together with Omega, “Defendants”) (Plaintiff and Defendants are collectively referred to herein as the “Parties”) in the above-referenced action.

On October 24, 2018, the Parties filed a Proposed Stipulation and Order Staying the Case, including any obligation to respond to the complaint or any amended complaints and all discovery and disclosure obligations, until 30 days after the entry of judgment or a voluntary dismissal with prejudice of *In re Omega Healthcare Investors, Inc. Securities Litigation*, Case No. 1:17-cv-08983-NRB (S.D.N.Y.) (“Federal Securities Litigation”), a related case which was pending before Judge Naomi Reice Buchwald. (Dkt. No. 4.) On October 25, 2018, Your Honor approved and So Ordered the Stipulation and Order Staying the Case, and requested a status letter on or before February 25, 2019. (Dkt. No. 5.)

On February 25, 2019, the Parties reported that the Federal Securities Litigation was still pending before Judge Buchwald, that Omega and the individual defendants involved in that case filed a motion to dismiss, and that oral argument on that motion was heard on February 13, 2019. (Dkt. No. 6.) On February 26, 2019, Your Honor requested a joint status update on or before June 26, 2019. (Dkt. No. 7.)

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On June 26, 2019, the Parties reported that Judge Buchwald had dismissed the Federal Securities Litigation with prejudice, that the case was closed on March 27, 2019, and that the plaintiffs in the Federal Securities Litigation had filed a Notice of Appeal with the United States Court of Appeals for the Second Circuit. (Dkt. No. 8.)

On October 29, 2019, Your Honor requested a joint status update on or before February 28, 2020. (Dkt. No. 11.)

On February 28, 2020, the Parties reported that oral argument on the appeal was conducted on November 13, 2019, and that a decision by the United States Court of Appeals for the Second Circuit was pending. (Dkt. No. 12.)

On March 30, 2020, Your Honor requested a joint status update on or before June 30, 2020. (Dkt No. 13.)

The Parties hereby report that a decision by the United States Court of Appeals for the Second Circuit is still pending.

The Parties respectfully request that this case remain stayed, as originally requested. Counsel for the Parties are available to answer any questions that Your Honor may have.

[[SIGNATURES APPEAR ON FOLLOWING PAGE]]

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Respectfully submitted,

**LIFSHITZ LAW FIRM, P.C.**

/s/ Joshua M. Lifshitz

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